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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,092	08/17/2000	Klaus Klemm	732/00018	4782

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EXAMINER

BAHTA, ABRAHAM

ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,092

Applicant(s)

KLEMM ET AL

Examiner

Abraham Bahta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Election/Restriction

1. Applicant's election without traverse of Group I in Paper No.4 is acknowledged.

Accordingly, claim 12 is withdrawn from further consideration.

Rejoinder of the claim would be considered upon indication of allowable subject matter pursuant to MPEP 821.04.

Claim Rejections - 35 USC § 112

2. Claim 13 is confusing in that it is not understood if applicant intends to claim a method of utilizing/using a cover plate or a method of assembly of the cover plate. Claim 13 merely recites securing integrated, molded-on functional elements to the reinforcer and bonding the reinforcer to the decorative part. This does not appear to be a method of utilizing the cover plate. Appropriate correction is requested.
3. Claims 14-17 are drawn to a method of utilizing a cover plate but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. The claims are incomplete in the absence of method steps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier et al (USP 5,830,552).

Meier teaches a cover plate for household devices such as a refrigerator or dish washing machine (col. 4, lines 54+) comprising a core plate and a decorative part. See col. 5, lines 4-8. The reference also teaches the cover plate reinforcer sections have two angled sections injection molded as a closed frame. Further, the reference teaches the frame may comprise individual ribs in which the ribs absorb compressive forces. See col. 4, lines 33-39. Meier teaches that the plate constructed is intended mainly as a cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary sections or profiles for fixing the plate to the kitchen appliance casing. See col. 4, lines 54-59. In addition the reference teaches the core plate is provided with an insulating plate made from another material with thermal and/or acoustic insulating properties and the core plate may be made from a wooden material and can be provided on its top surface with a cut and scratch-proof material and optionally also decorative top or cover coating, whereas, the insulating plate can be made from a foamed plastic. See col. 5, lines 1-8. The cover plate may also be made from glass, plastic or metal. See col. 5, lines 42-53.

5. The reference does not specifically mention molded-on functional elements; however, since the reference at col. 4, lines 54-59 suggests that the plate constructed is intended mainly as a

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cover plate for kitchen appliances and that the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary section or profiles for fixing the plate to the kitchen appliance casing, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the necessary functional elements so that the product may fit over a household device.

6. Regarding claim 5, the reference teaches the cover plate has a core plate. It is the Examiner's position that a plate may be a sheet of material.

7. Concerning claim 6, the reference does not require the reinforcer or the core plate to have a structure of a box or a crate; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to design the reinforcer or the core plate as a box or crate depending on the shape of the household device for which the cover plate is intended.

8. With respect to claims 8-10, the reference does not require integrated, molded-on functional elements comprising a dispenser box, condensation box, or integrated water duct; however, since the reference teaches the cover plate is intended as a cover plate for kitchen appliances such as a refrigerator or dishwasher, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the cover plate by providing the necessary functional elements depending on the household appliance for which the cover plate is intended.

9. Regarding claim 11, the reference teaches the core plate may be made from a plastic material. See col. 5, lines 47-48.

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10. Regarding claims 14-17, as discussed above, the cover plate of Meir is intended for use as a household device cover plate and that the household device may be a dishwasher or refrigerator.

Response to Applicant's arguments

11. In response to the rejection of claim 1 under 35 USC 112 that applicant's description of the sheet having a "closed lower side" is confusing the applicant contends that newly submitted corrected figures 1 and 2 illustrate the invention; however, the Examiner contends it is not clear from the drawings a sheet having a closed lower side.

12. With respect to claims 13-17 the applicant argues the term "utilizing" is definite under MPEP 2173.05(q). The Examiner contends that claims 13-17 do not clearly recite the step of utilizing the cover plate.

13. With respect to Meier et al (USP 5,830,552) the applicant argues that the Examiner's remarks incorporate a hindsight view of the prior art that encompasses the applicants' disclosure and that the reference fails to teach or suggest applicants's claimed invention. The applicant admits that the Meier reference at column 4, lines 54-59 describes the leg of the inner frame or the injection molded on strip has the necessary sections for fixing the plate to the kitchen appliances casing; however, argues that this is merely a description of the means by which the plate is fixed to a kitchen furniture item, that the attachment structure is merely incidental to the structure of the frame and that the general disclosure of a frame for attachment would not provide motivation to one of ordinary skill in the art to produce the reinforcers with integrated molded-on functional elements of the instant invention. The Examiner disagrees. It is the Examiner position that since

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the reference teaches the plate constructed is intended mainly as a cover plate for kitchen appliances and the leg of the inner frame or the injection molded on strip engaging over the underside has the necessary sections or profiles for fixing the plate to the kitchen appliance and further, since the reference teaches a lattice-like structure may be used for the construction of fixing means, by means of which the plate is fixed to a kitchen furniture item, e.g., a refrigerator or a dishwasher, one of ordinary skill in the art would be motivated to provide the necessary functional elements, e.g., apertures, projections, flanges and rims to the cover plate of Meier because Meier's cover plate is designed and formulated to cover and be attached to a household device. Thus, since Meier suggests a lattice-like structure may be used for the construction of fixing means, by which the plate is fixed to a kitchen furniture item it is within the skill of an artisan in this art to modify Meier's cover plate to include various functional elements so that the cover plate may be attached to the desired household device.

14. In response to the examiner's requirement for information under 37 CAR 1.105 the applicant has provided two color drawings and a description of the process of hot plate welding; however, the drawings have not been considered because it is not clear what the drawings represent and the legend is not in English. As to the description filed by the applicant regarding the process of welding, the Examiner does not understand the relevance of the description submitted as there are no claims drawn to a process of welding or a welded article.

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15. Further, the applicant argues that one of ordinary skill in the art would not have a reasonable expectation of success of producing the instant invention in light of the disclosure of Meier because Meier requires a wooden core plate which may have a top surface of glass, plastic core metal; the applicant further argues that the instant invention is composed of (1) a decorative part and (2) a reinforcer having the structure of a sheet or box or crate. The Examiner contends that the cover plate of Meier also has a decorative part or decorative top or cover coating and other support or reinforcer materials such as insulating plate and ribs. See col. 4, lines 60-65.

16. The applicant admits that Meier discloses the core plate may be made from glass, plastic or metal and applicant argues that Meier et al disclose eleven embodiments of their invention with a core plate made from a wooden material which is covered with a moistureproof top or cover coating and that none of the examples disclosed in Meier disclose a core plate made of plastic, glass or metal. The fact remains that Meier at col. 5, line 47 suggests the cover plate can also be made from glass, plastic or metal and the reference can be used for all it teaches and is not held merely to the examples.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

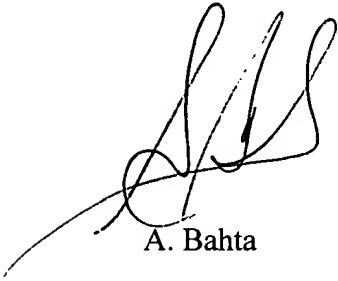
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Abraham Bahta at telephone number (703) 308-4412. The Examiner can normally be reached Monday-Friday from 9:30 AM -6:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah, Jones, can be reached on (703) 308-3822.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



A. Bahta

04/20/03



DEBORAH JONES
SUPERVISORY PATENT EXAMINER